REMARKS/ARGUMENTS

The applicant acknowledges, with thanks, receipt of the Office Action that was mailed on May 17, 2007. This amendment is responsive to the May 17, 2007 Office Action.

Claims 8 and 10 have been amended. The amended subject matter of claims 8 and 10 is not new matter as it is disclosed in paragraph 29 of the original specification. Claims 26-29 are new. The subject matter of claims 26-28 is not new matter as it is disclosed in paragraph 38 of the original specification (cf. Fig. 2). The subject matter of claim 29 is not new matter as it is disclosed in paragraph 29 of the original specification.

PRIOR ART MATTERS

Claims 1-10, 12-14, 15 and 17-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication 2004/0164619 to Parker et al. (*hereinafter* Parker). For reasons that will now be set forth, claims 1-28 as currently amended are not anticipated by Parker.

Independent claims 1 and 8, as currently amended, recite methods comprising receiving a power signal from a power input and a data signal from a data input. Upon receipt of a discover response signal from a network device, the power signal and the data signal are provided to the network device on the same media. Independent claims 10 and 23 recite an apparatus that concurrently (or simultaneously) transmit power and data are transmitted to a device on a shared medium. To summarize, independent claims 1, 8, 10 and 23 recite that a data signal and a power signal are provided to a network (powered) device on the same shared medium.

By contrast, in Parker only the power signal is provided to the network device. The data signal (e.g. SERIAL_COM 307) is not provided to the network device. According to Parker, SERIAL_COM 307 is a serial interface for the PoE chip to communicate with the microcontroller or host controller on the circuit board (¶ 45). SERIAL_COM 307 receives control information for managing power transmissions by PoE functional blocks 320_1-320_N and transmits the status of the controlled ports. *Id.* SERIAL_COM 308 is a serial interface that can be coupled to a SERIAL_COM interface of a neighboring Ethernet jack module to form a cascaded communication link (¶ 47). In other words, SERIAL_COM 307 is consumed by PoE

circuit 300, while SERIAL_COM 308 is consumed by a corresponding PoE functional block. Neither SERIAL_COM 307 nor SERIAL_COM 308 is provided to a network device on the same shared medium as the power signal. Thus, Parker does not disclose every element of independent claims 1, 8, 10 and 23, and therefore, independent claims 1, 8, 10 and 23 are not anticipated by Parker.

Claims 2-7, 9, 11-22 and 23-29 directly depend from one of claims 1, 8, 10 and 23 and therefore contain each and every element of one of claims 1, 8, 10 and 23. Therefore, for the reasons already set forth for claims 1, 8, 10, and 23, claims 2-7, 9, 11-22 and 23-29 are not anticipated by Parker.

In addition to the reasons set forth above, claim 6 recites that an Ethernet signal is converted to a bit stream second data signal and is transferred concurrently on the shared medium with the power signal and the data signal. Claim 15 recites an apparatus with a second data input for admitting a second data signal that is combined with the (first) data signal and transmitted simultaneously with the power signal on the shared medium. The examiner relies on paragraph 60 of Parker to disclose converting the Ethernet signal into a bit stream and paragraphs 26-27 of Parker for sending the second data over the shared medium with the (first) data signal and the power signal. Applicant respectfully disagrees with this interpretation of Parker.

Paragraph 60 of Parker merely describes using LEDs to display device status. Nothing in Parker discloses converting the LED status lights into a bit stream. Nothing in paragraphs 26-27 of Parker would indicate that status data acquired from the LEDs is transmitted to the network (powered) device.

Claims 11 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious in view of the combination of Parker and U.S. Patent Publication 2003/0068033 to Kiko. Claims 11 and 16 directly depend from claim 10, and therefore contain each and every element of claim 10. The aforementioned deficiency of Parker for claim 10 is not remedied by any teaching of Kiko. The examiner relies on Kiko for disclosing a modulator (GFSK modem chip, ¶ 0052) to modulate signals using a frequency shift-keying scheme to transmit digital data (¶ 0058). These do not remedy the aforementioned deficiency in Parker.

In addition to the reasons set forth above, new claims 26-28 recite another data signal (e.g. a primary Ethernet signal) is received on another input that is transferred to the network device on a second medium. New claim 29 recites that the shared medium comprises a first set of pairs of conductors while the second communications medium comprises a second set of pairs of conductors. Thus, power and a data signal are received on one set of pairs (e.g. unused pairs of an RJ-45 connection) simultaneously while primary Ethernet data is received on another set of pairs (e.g. the used pairs of an RJ-45 connection)

As noted herein above, Parker only sends power to the device. Parker does not send data and power on a shared communications medium as well as sending another data signal (e.g. a primary Ethernet signal) on a second communications medium to the network device. The frequency shift-keying system described in Kiko does not remedy the aforementioned deficiency. Therefore, neither Parker nor Kiko, alone or in combination, anticipate or render obvious new claims 26-28.

CONCLUSION

For the reasons set forth above, the claims as currently standing are not anticipated nor obvious in view of the cited prior art. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/33235.

Respectfully submitted,

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